

PAHL & McCAY

A Professional Corporation

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7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

11 In re: THOMAS R. LLOYD,) Case No. C-06-02416 MHP
 12 _____)
 13 JEFFREY E. HOFFMAN, H&B) Appeal from U.S. Bankruptcy Court,
 PROPERTIES, LLC, J. EDWARDS) Northern District:
 14 INVESTMENT GROUP, INC. and) Case No. 04-3221 TEC
 NORCAL FINANCIAL, INC.,) Adv. No. 05-03328
 15 Plaintiff/Cross-Defendants and)
 16 Appellants,)
 17 v.)
 18 THOMAS R. LLOYD and EDWARD L.)
 BLUM,)
 19 Defendants/Cross-)
 20 Complainant and Appellees)
 _____)
 21 I, Stephen D. Pahl, declare:

**DECLARATION OF STEPHEN
 D. PAHL RE: ORDER ON
 APPELLANTS' RENEWED
 EMERGENCY MOTION FOR
 IMMEDIATE STAY**

22 1. The matters set forth herein are based upon my own personal knowledge
 23 and observation, except as to those matters which are stated to be based upon information
 24 and belief. If called to testify herein, I can and would competently testify thereto.

25 2. I am an attorney at law duly admitted to practice law before all of the courts
 26 of the State of California. I am a shareholder in the professional law corporation of Pahl
 27 & McCay, attorneys of record herein for Plaintiff/Appellant JEFFREY HOFFMAN
 28 ("HOFFMAN").

1 3. On June 4, 2007, a Renewed Emergency Motion of Appellants for
 2 Immediate Stay of Judgment or Order Pending Appeal (“Motion”), came on regularly for
 3 hearing in this matter. I appeared on behalf of Appellants, and Jeffrey J. Goodrich of
 4 Goodrich and Associates appeared on behalf of Respondent.

5 4. The Court granted the Motion in part and denied the Motion in part. The
 6 Court directed Respondent’s counsel to prepare a form of proposed order conforming to
 7 the rulings articulated from the bench.

8 5. By June 13, 2007, this office had not yet received a proposed order on the
 9 Motion from Mr. Goodrich. I therefore caused a form of order to be drafted and sent to
 10 Mr. Goodrich for review and comment on June 13, 2007. The letter informed Mr.
 11 Goodrich that if the parties could not agree on a form of order by June 17, 2007, this
 12 office would submit its form of order for review and execution by the Court. A true and
 13 correct copy of the June 13, 2007, correspondence is attached hereto as Exhibit A and is
 14 incorporated herein.

15 6. On June 14, 2007, opposing counsel responded to the June 13, 2007, letter
 16 stating that the form of order prepared by this office was unacceptable, and stating that he
 17 would prepare and forward a form of order by June 15, 2007. The response did not
 18 contain any substantive comments regarding the form of order prepared by this office. A
 19 true and correct copy of the June 14, 2007, correspondence is attached hereto as Exhibit B
 20 and is incorporated herein.

21 7. As of the date of this declaration, this office has not received a proposed form
 22 of order on the Motion from Mr. Goodrich, nor does the docket in this matter indicate that a
 23 proposed form of order has been submitted to the Court by Mr. Goodrich.

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8. Simultaneous with this declaration I am uploading Appellant's form of proposed order on the Motion, for the Court's review and execution.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on June 18, 2007 at San Jose, California.

Stephen D. Pahl

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Stephen D. Pahl
Karen K. McCay
Fenn C. Horton III
Catherine S. Robertson
Jeffrey M. Sulenski
Servando R. Sandoval

Ginger L. Sotelo
Sonia S. Shah
Anthony J. Adair
Michael J. Cheng

Sarahann Shapiro
Special Counsel

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June 13, 2007

VIA REGULAR MAIL & EMAIL

Jeffrey J. Goodrich
Law Offices of Goodrich and Associates
336 Bon Air Center, Suite 335
Greenbrae, CA 94904

Re: In re: Thomas Lloyd; Hoffman v. Lloyd

Dear Mr. Goodrich:

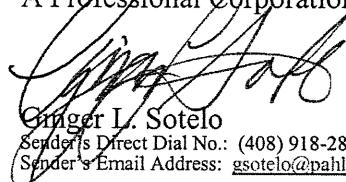
At the hearing on Defendant/Appellant's Motion for Emergency Stay the Court ordered that you draft a proposed order. To date, this office has not received a form of proposed order, nor have I received any notification that an order was submitted to the Court for entry. I have thus proceeded in preparing a proposed order. The proposed order is enclosed for your review and comment.

Please respond by approving the enclosed order or providing comments on the order. Your attention and response is requested by the end of the day on June 15, 2007. If I do not receive a response by Friday, I will proceed in submitting the enclosed proposed order to the court on June 17, 2007, alternatively if the parties are unable to agree to a proposed form of order I will submit the enclosed order, a copy of this letter, and any comments made by you; and will request that the court enter an appropriate order.

Please feel free to call me if you have any questions or wish to discuss this matter further.

Sincerely,

PAHL & McCAY
A Professional Corporation



Ginger L. Sotelo
Sender's Direct Dial No.: (408) 918-2836
Sender's Email Address: gsotelo@pahl-mccay.com

GLS:
Enclosure
cc: Dennis Davis
Client

1 **PAHL & GOSELIN**

2 A Professional Corporation

3 **Stephen D. Pahl, Esq.** (State Bar No. 95900)4 **Ginger L. Sotelo, Esq.** (State Bar No. 210429)

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10 Email: spahl@pahl-mccay.com11 gsotelo@pahl-mccay.com8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 In re: THOMAS R. LLOYD,

12) Case No. C-06-02416 MHP

13 JEFFREY E. HOFFMAN, H&B
14 PROPERTIES, LLC, J. EDWARDS
15 INVESTMENT GROUP, INC. and
16 NORCAL FINANCIAL, INC.,17) Appeal from U.S. Bankruptcy Court,
18) Northern District:
19) Case No. 04-3221 TEC
20) Adv. No. 05-0332821 Plaintiff/Cross-Defendants and
22 Appellants,23 **ORDER ON APPELLANTS
REQUEST FOR STAY**

24 v.

25 THOMAS R. LLOYD and EDWARD L.
26 BLUM,27 Defendants/Cross-
28 Complainant and Appellees29 On June 4, 2007, a Renewed Emergency Motion of Appellants for Immediate Stay
30 of Judgment or Order Pending Appeal, came on regularly for hearing. Stephen Pahl of Pahl
31 & McCay appeared on behalf of Appellants, and Jeffrey J. Goodrich of Goodrich and
32 Associates appeared on behalf of Respondent. Based upon the papers submitted in support
33 of and in opposition to the Motion and based upon oral argument presented at the hearing,
34 and good cause appearing therefore,

35 IT IS HEREBY ORDERED THAT:

36 Pending resolution of the consolidated appeals before this Court, Appellants'

Pahl & Gosselin
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Suite 1500
San Jose, CA 95113
(408) 286-51003125-002 Appeal
00093483.WPD

1 request for stay of the April 30, 2007, Judgment entered in the United States Bankruptcy
2 Court for the Northern District of California , Case Number 05-3328, is GRANTED in part
3 and DENIED in part and this Court orders as follows:

4 a. There shall be no transfer, sale or encumbrance of the property, which is the
5 subject of the underlying bankruptcy matter and this appeal, absent further
6 order of the Bankruptcy Court or this Court, accordingly title to the subject
7 property shall remain in the name of Jeffrey E. Hoffman;
8 b. Except as otherwise stated above, nothing in this order shall be in derogation
9 of the April 30, 2007, Bankruptcy Court Judgment identified above.

10 **END OF ORDER**
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Ginger Sotelo

From: Jeffrey Goodrich [goodrich4bk@gmail.com]
Sent: Thursday, June 14, 2007 1:01 AM
To: Ginger Sotelo
Subject: Re: Order on Emergency Motion

Ms. Sotelo:

I am in Los Angeles through tomorrow and will be returning Friday. Immediately following the hearing, I ordered a transcript of the Court's ruling so that I could prepare an accurate order. From the order you have attached, it is apparent that you have not seen a transcript of the hearing. You also were not there. Accordingly, I don't see how you could draft an appropriate order.

When I receive the transcript, I will prepare a form of order. In the meantime, I will send you a form of order on Friday that I will propose be submitted by agreement. Your proposed form is patently unacceptable. The Court did NOT order that "title remain in the name of Mr. Hoffman".

Jeff Goodrich

On 6/13/07, **Ginger Sotelo** <gsotelo@pahl-mccay.com> wrote:

Please see attached.

Sincerely,

Ginger L. Sotelo
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A Professional Corporation
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EXHIBIT/ B

